

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARCIA R. MEOLI,	)	
Plaintiff,	)	
	)	No. 1:22-cv-1068
v.	)	
	)	Honorable Paul L. Maloney
CASSANDRA VILLARREAL,	)	
Defendant,	)	
	)	
v.	)	
	)	
ANDREW JAMES HUFFMAN,	)	
Debtor.	)	
_____	)	

**ORDER ADOPTING REPORT & RECOMMENDATION**

On October 31, 2022, the Honorable Scott W. Dales, Chief United States Bankruptcy Judge, issued a Report & Recommendation (“R&R”) (ECF No. 1-1) in *Meoli v. Villarreal*, Adversary Proceeding No. 22-80039 (Bankr. W.D. Mich. Oct. 31, 2022), which involved at least one *Stern*<sup>1</sup> claim. Chief Judge Dales composed the R&R “on [his] own initiative because a bankruptcy court’s authority to enter a final judgment, by default, in a controversy involving a so-called ‘*Stern* claim’ remains doubtful, especially given the absence of voluntary and knowing consent of all the parties” (ECF No. 1-1 at PageID.2-3). Due to

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<sup>1</sup> Chief Judge Dales noted:

The Supreme Court in *Stern v. Marshall*, 564 U.S. 462 131 S. Ct. 2594 (2011), held that the adjudication of certain claims falls within “the judicial power” that may be exercised only by a court with the “essential attributes” of federal judicial power prescribed in Article III of the United States Constitution, even if Congress classified the adjudication as a “core proceeding” that a Bankruptcy Court could resolve under the applicable statute. Such a claim has sometimes been referred to as a “*Stern* claim.”

(ECF No. 1-1 at PageID.3 n.1).

this doubt, the R&R recommends that the District Court grant in part Plaintiff's motion for default judgment and enter default judgment pursuant to Fed. R. Civ. P. 55.

The Court has reviewed the R&R. In accordance with Fed. R. Bankr. P. 9033(a), the R&R was served by first-class United States mail, postage prepaid, on November 1, 2022. The Clerk of Court for the United States Bankruptcy Court for the Western District of Michigan indicates that no responsive pleadings or objections to the R&R have been filed, and the objection period, pursuant to Fed. R. Bankr. P. 9033(b), has lapsed. Given that no objections have been filed, the Court will adopt the R&R.

**IT IS HEREBY ORDERED** that the Court **ADOPTS** the Report and Recommendation (ECF No. 1-1) as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's motion for default judgment is **GRANTED** as to Counts I, II, and IV, and **DENIED** as to Count III.

Judgment to follow.

**IT IS SO ORDERED.**

Date: December 15, 2022

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge